



A Public Agency

# WEST COUNTY WASTEWATER DISTRICT

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April 16, 2007

Bruce Wolfe  
Executive Officer  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

**Subject: Comments on Tentative Order NPDES No. CA0038849 (Waste Discharge Requirements for Municipal and Industrial Wastewater Discharges of Mercury to San Francisco Bay)**

Dear Mr. Wolfe:

The West County Wastewater District (District) appreciates the opportunity to comment on the proposed requirements for mercury discharges to the San Francisco Bay. The District produces secondary effluent which is combined with City of Richmond effluent and discharged to the San Francisco Bay through the West County Agency Combined Outfall. A portion (currently 4 mgd) of the District's wastewater is diverted to East Bay Municipal Utility District's (EBMUD's) North Richmond Water Reclamation Plant (NRWRP). The District's secondary effluent is further treated to Title 22 tertiary standards at the NRWRP and provided to Chevron Products Company for use as cooling water at their Richmond Refinery. The cooling water tower blowdown is then discharged to the San Francisco Bay through Chevron's outfall. The District is proud to be a part of this project which saves approximately 1.5 billion gallons of potable water each year.

The District's comments on the proposed mercury requirements are related to **Special Provisions C.5. Mercury Discharge Adjustment for Recycled Wastewater Use by Industrial Dischargers** (located on page 19). This provision applies directly to the District's agreement to provide secondary effluent to EBMUD for its recycled water projects. The District's comments are itemized below (where specific changes to permit language are proposed, ~~strike-through~~ indicates text to be removed, while underline indicates text to be added):

1. The mercury discharge adjustment is a complicated process that only benefits recycled water users, not the recycled water providers. In addition, it is inappropriate to make the recycled water provider accept responsibility for mercury that is not being discharged through its own outfall. By implementing this reverse adjustment, the Water Board may be discouraging future investments in recycled water infrastructure.

BOARD MEMBERS	Leonard L. Battaglia	Michael T. Caine	Alfred M. Granzella	George H. Schmidt	Paul C. Soltow, Jr.
BOARD ATTORNEY	Alfred A. Cabral			DISTRICT MANAGER	E. J. Shalaby

2. The impacts on the San Francisco Bay that occur from transferring wastewater (and its associated mercury content) can be tracked by the Water Board through bookkeeping and examination of monthly and annual Self Monitoring Reports submitted by the dischargers. The total mercury discharged to the Bay will be presented in these reports. It is not necessary to institute the concentration and mass adjustment procedures.
3. The Tentative Order does not provide notice to the recycled water provider of the recycled water user's intent to apply the Mass Adjustment. The annual report submitted by individual Dischargers to the Water Board (sample form provided on page E-10 of the T.O.) is the only mechanism shown for reporting the mass adjustment/effluent credit. If the effluent credit is claimed by the recycled water user, the provider should receive information on a monthly basis to determine the magnitude of the adjustment. This information may be critical in assessing actions required by the District under **Special Provisions V.C. 1. Triggers for Additional Mercury Control**. Additionally, this information may be needed by the District to prevent a de facto reduction in the District's individual wastewater allocation and an associated reduction in discharge capacity.

The District is requesting removal of Special Provisions V.C.5. from the final Waste Discharge Requirements. If the provision must be retained, the District requests monthly information from the industrial Discharger on the amount of credit being claimed. If this information is received by the District in a timely manner, it will be included in the District's monthly Self Monitoring Reports. In order for the District to obtain and report the mass adjustment, the following change is suggested to Attachment E. Monitoring and Reporting Program:

*Reporting Requirements IV.B.2. The Dischargers shall submit mercury data collected as part of the Order in the regular monthly or quarterly Self Monitoring Reports, and in the annual Self Monitoring Reports required in each Discharger's individual permit. If a Discharger monitors mercury more frequently than required by the Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the SMR. As required in each Discharger's individual permit, for those dischargers required to report monthly, monthly reports shall be due no later than 30 days after the end of the calendar month. For industrial Dischargers claiming an effluent credit for recycled water use pursuant to Provision V.C.5, the amount of credit claimed for that month shall be reported monthly to the municipal Discharger that supplied the recycled water. The reporting from the industrial Discharger to the municipal discharger shall be completed no later than 15 days following the end of the calendar month. The municipal and industrial Dischargers shall then include this information in their respective monthly SMRs. For those dischargers required to report quarterly in its individual permit, quarterly reports shall be due 30 days after the end of each calendar quarter. Annual reports shall be due on February 1 following each calendar year.*

4. The District is requesting removal of Special Provisions V.C.5. from the final Waste Discharge Requirements. If the provision must be retained, the District requests an alternate method of determining permit compliance with the mass effluent limits. A permit violation would be determined **only if** the recycled water provider (the Municipal

Discharger) *and* recycled water user (the Industrial Discharger) exceed their average annual mercury mass effluent limits *and* the total Municipal group limit is exceeded. This would be the situation where harm to the San Francisco Bay may actually be occurring. Suggested changes to the current enforcement language are provided in the following paragraph:

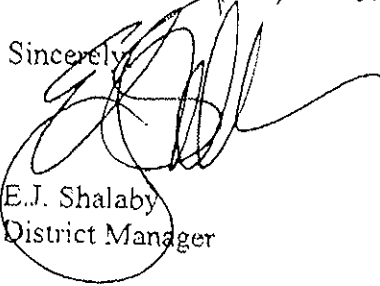
*Special Provisions C.5.d. If an industrial Discharger opts to apply a Mass Emission Adjustment, the Regional Water Board shall transfer that Adjustment to the mass emission for the corresponding discharge interval from the municipal Discharger who is the producer and source of the recycled wastewater. If the reverse Adjustment results in calculated mass discharge levels above the municipal Discharger's and the industrial Discharger's Average Annual Mercury Mass Limits, and the Total Municipal Group mass limit as specified in the III.A is also exceeded, that municipal discharger is in violation of its mass limit and is subject to enforcement action by the Regional Water Board.*

We have also included the following editorial comments to ensure accuracy of permit information related to West County Agency and its members.

5. Table 4A. Additional Information on Municipal Facility (page 6)  
Facility Contact, Title, and Phone: E.J. Shalaby, District Manager ~~(510) 620-6538~~  
(510) 222-6700  
Facility Design Flow (mgd): ~~18.5~~ 28.5
6. Table F-5. TMDL Mass Limits and Wasteload Allocations for Municipal Wastewater Dischargers (page F-16). Footnote (c) is attached to the West County Agency, Combined Outfall, 2000-2003 Initial Load Limit. This footnote indicates data quality concerns. The exact nature of these concerns should be detailed in the permit or through communication with West County Agency.

Thank you for your consideration of these comments. If you have any questions, please feel free to contact me at (510) 222-6700 or [eshalaby@wcwd.org](mailto:eshalaby@wcwd.org).

Sincerely,



E.J. Shalaby  
District Manager

cc. Lila Tang, Chief, S.F. Bay Regional Water Quality Control Board  
Robert Schlupf, S.F. Bay Regional Water Quality Control Board  
Dave Williams, East Bay Municipal Utility District  
Denise H. Connors, Larry Walker Associates